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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,724	10/19/2005	Kazuhito Fujii	125723	2058
25944 7590 12/08/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
KRUEK, KEVIN R				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
12/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,724

Applicant(s)

FUJII ET AL.

Examiner

KEVIN R. KRUEER

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 18, 2009 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP08-258888 (herein referred to as Miyamoto)

Miyamoto teaches a cover tape for surface mounting embossed semiconductors formed by laminating exterior intermediate layer and adhesive layer, and an exterior biaxially oriented polyester or polypropylene (abstract). The intermediate layer is comprised a metallocene catalyzed ethylene copolymer having a density of 0.900-0.925g/cc (herein understood to anticipate the claimed ranges of claims) and a melting point of less than 110°C (herein understood to be sufficiently specific to anticipate the

claimed temperature ranges of claims)(005). The adhesion between the adhesive layer and the intermediate layer is 10-130g/mm (005)-herein understood to be sufficiently specific to anticipate the claimed range in claims 5-8)

With regards to the difference between the maximum value of peeling strength upon separation and the minimum value, said property is herein understood to be inherent to the cover tape of Miyamoto since said film comprises the same layers having the same composition as the claimed film.

With regards to the newly claimed softening temperature of the metallocene catalyzed LLDPE, the examiner takes the position that the m-LLDPE taught in Miyamoto which comprises the same copolymers, has a density in the overlapping claim range (0.90-0.907), and polymerized in a similar manner will inherently meet the claimed softening point and melting points since said polymers are compositionally identical to the claimed polymers. Note: both softening and melting points correlate to density (see Figures 3 and 4).

Response to Arguments

Applicant's arguments filed November 18, 2009 have been fully considered but they are not persuasive.

Applicant argues examiner's assertions are improper (1) softening temperature and melting point are distinct properties. The examiner has not taken the position they are the same property. Thus, the argument is not persuasive. Applicant further argues the softening temperature and density of LLDPE do not directly or linearly correlate. Said position seems to be contradicted by Figure 4. Applicant makes the argument

that said property will also depend on molecular weight and the branching present. The examiner initially notes said position is not supported by evidence. Furthermore, branching and density are related. The examiner further notes said argument does not refute the argument of inherency with regards to the applied art. Applicant further argues the claimed polymers and the prior art are not identical. Said argument is noted but is not persuasive because applicant fails to explain how they differ.

Applicant argues density and melting point do not directly correlate and points to a comparative example in the specification and example 1 of the prior art as proof. Said argument is not persuasive because there is no evidence melting point was determined by the same method or that the polymers are identical (polymerized by the same catalyst, etc). Applicant further points to Tables 1 and 2 to demonstrate melting point is not directly or linearly correlated to the density of LLDPE. The examiner respectfully disagrees and points to Table 1 of US 6,235,822; see also Figure 9 of "Relationship between molecular characteristics and physical properties of linear low density polyethylenes." For a given copolymer, density and softening point and/or melting point linearly relate. There is no evidence the examples in the table comprise the same copolymers.

Applicant further argues the examples of Miyamoto do not meet the claimed melting point. The examiner notes that the teachings of the reference are not limited to the preferred or inventive examples. Therefore, the argument is not persuasive.

There is no evidence of record that the m-LLDPE of Miyamoto fails to meet the claimed softening point limitations.

Applicant further argues that Miyamoto discloses a broad range of melting points of an ethylene copolymer without sufficiently describing ethylene copolymers having the disclosed range of melting points. Said argument has been fully considered but is not persuasive because Miyamoto teaches a specific polymer (m-LLDPE) with a narrow density range, distribution, and melting point range. Thus, the teachings of Miyamoto are understood to be sufficiently specific to anticipate all the disclosed m-LLDPE. With regards to applicant's arguments regarding the examples taught in Miyamoto, Applicant is reminded that a reference may be relied upon for all that it fairly teaches and is not limited to preferred or exemplary embodiments.

Applicant further argues that the density disclosure of (0006) does not refer to m-LLDPE but rather to the "polyurethane system resin." Said disclosure has been reviewed and the examiner maintains the position that said disclosure refers to the m-LLDPE. Specifically, Miyamoto teaches at (0006) that "It is the ethylene-alpha olefin copolymer which polymerized with a metallocene catalyst whose ratio of a molecular weight as which the melting point is 110 or less in 0.900-0.925g/cm³, and density of resin is specified by a ratio of weight-average-molecular-weight (Mw) / number average molecular weight (Mn) is three or less..."

For the reasons noted above, the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Krue/

Primary Examiner, Art Unit 1794